

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

ROVSHAN SADE,
Plaintiff,
v.
NORTH STAR SOLAR LLC,
Defendant.

Case No. 1:22-cv-01109-JLW (Lead Case)
and cases consolidated therewith:
Case Nos. 1:22-cv-01110 – 01113 and
Case Nos. 1:24-cv-00105 - 00106

**Motion to Withdraw as Counsel for Plaintiff, and for
Extension of Discovery Deadlines and Suspension of Proceedings in View Thereof**

Susan Freya Olive respectfully moves the Court for leave to withdraw as counsel for Plaintiff in the seven cases consolidated under Lead Case Number 1:22-cv-01109, and relieving her of all future responsibility as counsel therein; and for an order immediately suspending all dates in the Court's case management order as well as all discovery responses due from either side so that Mr. Sade can concentrate on retaining new counsel and getting that counsel up to speed.

Counsel for the parties have conferred and agree that Ms. Olive should be allowed to withdraw but disagree as to the appropriate length of time for the requested suspension and extension of discovery deadlines, as set out in the Certificate of Consultation below.

In support of the motion, counsel sets out the following:

1. Mr. Sade has terminated Ms. Olive's contract for representation, effective as of Saturday, July 13, 2024. The effect is to leave Mr. Sade currently unrepresented, but he desires to seek other representation. Ms. Olive agrees with Mr. Sade that it would be best for him to be represented by other counsel.

2. Ms. Olive is in the process of transferring to Mr. Sade all materials produced or exchanged by the parties in connection with the litigation, the content of the discovery

database, the pleadings, and the equivalent information from the Inter Partes Review proceeding that took place in the United States Patent Office, in which Mr. Sade was the prevailing party and that is therefore of particular relevance to the present litigation involving the same patents.

3. As far as the case schedule is concerned, the parties have exchanged proposed terms to be construed but have not exchanged proposed constructions. In addition, each party has served discovery requests on the other and agreed to a 30-day extension of the deadlines for the other party's responses. Mr. Sade's responses currently are due on Monday, July 15; Defendants' responses are due thereafter.

4. Plaintiff's discovery responses are not yet ready for service. In part this is because Mr. Sade had surgery last week, as well as on another recent occasion; and in part because Ms. Olive also has been ill. Equally important, Plaintiff's responses to discovery do involve substantive decisions that should be made by Mr. Sade in conjunction with the attorney who will represent him at trial rather than in conjunction with Ms. Olive.

5. Undersigned counsel believes that a 90-day suspension of proceedings herein would be appropriate, putting on hold all dates in the Court's case management order as well as all discovery responses from either side, including both those currently due from Mr. Sade and those that would become due from Defendants during the suspension period, so that Mr. Sade can concentrate on retaining new counsel and getting that counsel up to speed. Upon conclusion of that 90-day period, it is recommended that the parties file a new proposed Case Management Order, adjusting outstanding deadlines (including deadlines to respond to outstanding discovery responses).

6. The Court is reminded that a prior suspension was granted at the request of Defendants [DE 19 filed May 31, 2024; granted by Order entered August 23, 2024.], in order to accommodate their filing of an Inter Partes Review proceeding in the United States Patent Office that they had projected would resolve many of the issues in the lawsuit, by invalidating Plaintiff's patent. The result was not as they had projected. Nonetheless, it should be evident that the delay requested herein is no less important than the delay previously granted, to help ensure that Mr. Sade can be represented by counsel rather than proceeding *pro se*.

CERTIFICATE OF CONSULTATION

Undersigned counsel certifies that she advised counsel for Defendants, by email transmitted on July 13, of her need to withdraw and of the need to suspend proceedings (including deferral of discovery responses that would otherwise shortly be due). Counsel for Defendants has responded that:

- a. They consent to withdrawal of counsel;
- b. They consent to a 30-day extension of the outstanding discovery requests, for each party; and
- c. They consent to a 30-day suspension of proceedings in order to allow Mr. Sade to obtain new counsel.

Although Defendants have agreed to shorter periods than requested, undersigned counsel remains of the opinion that Mr. Sade will need 90 days to obtain counsel and have new counsel learn what has occurred to date in order to provide representation and to allow the service of responses to the outstanding discovery.

WHEREFORE, undersigned counsel respectfully moves the Court that she be allowed to withdraw as counsel for Plaintiff and be relieved of all future responsibility in this case; and that all proceedings herein, including all outstanding discovery as well as all dates covered by the Court's Case Management Order, be suspended for ninety (90) days.

A proposed order is filed herewith.

Respectfully submitted this 15th day of July, 2024.

/s/ Susan Freya Olive
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CERTIFICATE OF SERVICE ON PLAINTIFF

Undersigned counsel certifies that a copy of the foregoing motion and its proposed order filed therewith have been served on Plaintiff by depositing a copy of the same in the United States Mail, first class postage affixed, addressed to Plaintiff at his address as follows:

Rovshan Sade
2635 Garden Knoll Lane
Raleigh NC 27614

on this the 15th day of July, 2024; and that Mr. Sade was provided with a copy in advance of filing, via email.

/s/ Susan Freya Olive
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